



State of Wisconsin
1997 - 1998 LEGISLATURE
April 1998 Special Session

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**SENATE AMENDMENT 3,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 1**

May 14, 1998 - Offered by Senators C. POTTER and GROBSCHMIDT.

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 3, line 16: on lines 16 and 17, delete “authorized dates for conduct of
3 local government referenda;”.
- 4 **2.** Page 4, line 22: delete the material beginning with that line and ending with
5 page 5, line 1.
- 6 **3.** Page 35, line 3: delete lines 3 to 13.
- 7 **4.** Page 49, line 6: delete the material beginning with “regular” and ending
8 with “purpose.” on line 7 and substitute “regular election held in the town or at a
9 special election called for the purpose.”.
- 10 **5.** Page 49, line 13: delete the material beginning with “Whether” and ending
11 with “The” on line 14 and substitute “Whether at a regular or special election, the”.

1 **6.** Page 50, line 3: delete lines 3 to 23.

2 **7.** Page 63, line 25: delete the material beginning with that line and ending
3 with page 64, line 12.

4 **8.** Page 121, line 22: delete the material beginning with that line and ending
5 with page 122, line 2.

6 **9.** Page 122, line 18: delete lines 18 to 25.

7 **10.** Page 123, line 2: delete lines 2 to 9 and substitute:

8 “24.66 (4) POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered
9 by law to incur indebtedness for a particular purpose without first submitting the
10 question to its electors, the application for a state trust fund loan for that purpose
11 must be approved and authorized by a majority vote of the electors at a special
12 election called, noticed and held in the manner provided for other special elections.
13 The question to be voted on shall be filed as provided in s. 8.37. The notice of the
14 election shall state the amount of the proposed loan and the purpose for which it will
15 be used.”.

16 **11.** Page 123, line 21: on lines 21 and 22, delete “~~special election referendum~~
17 called in accordance with s. 8.065” and substitute “special election”.

18 **12.** Page 125, line 1: delete lines 1 to 11 and substitute:

19 “59.08 (7) (b) The question of the consolidation of the counties shall be
20 submitted to the voters at the next election to be held on the first Tuesday in April,
21 or the next regular election, or at a special election to be held on the day fixed in the
22 order issued under par. (a), which day shall be the same in each of the counties
23 proposing to consolidate. A copy of the order shall be filed with the county clerk of
24 each of the counties as provided in s. 8.37. If the question of consolidation is

1 submitted at a special election, it shall be held not less than ~~30~~ 42 days nor more than
2 60 days from the completion of the consolidation agreement, but not within 60 days
3 of any spring or general election.”.

4 **13.** Page 125, line 18: delete the material beginning with that line and ending
5 with page 126, line 10, and substitute:

6 “60.62 (2) If the county in which the town is located has enacted a zoning
7 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to
8 approval by the town meeting or by a referendum vote of the electors of the town held
9 at the time of any regular or special election. The question for the referendum vote
10 shall be filed as provided in s. 8.37.

11 **SECTION 259m.** 60.74 (5) (b) of the statutes is amended to read:

12 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by
13 qualified electors of the district equal to at least 20% of the vote cast for governor in
14 the district at the last gubernatorial election, requesting a change to appointment
15 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). The
16 petition shall be filed as provided in s. 8.37. Upon receipt of the petition, the town
17 board shall submit the question to a referendum at the next regular spring election
18 or general election, or shall call a special election for that purpose. The inspectors
19 shall count the votes and submit a statement of the results to the commission. The
20 commission shall canvass the results of the election and certify the results to the
21 town board which has authority to appoint commissioners.”.

22 **14.** Page 126, line 23: delete the material beginning with that line and ending
23 with page 128, line 10, and substitute:

24 **SECTION 261m.** 61.187 (1) of the statutes is amended to read:

1 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements
2 of s. 8.40, signed by at least one-third as many electors of any village as voted for
3 village officers at the next preceding election therefor, shall be presented to the
4 village board, and filed as provided in s. 8.37, praying for dissolution of the village
5 corporation, such board shall submit to the electors of such village, for determination
6 by ballot in substantially the manner provided by ss. 5.64 (2) and 10.02, at a general
7 election or at a special election called by them for that purpose, the question whether
8 or not such village corporation shall be dissolved.

9 **SECTION 262m.** 61.46 (1) of the statutes is amended to read:

10 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December
11 15 in each year, by resolution to be entered of record, determine the amount of
12 corporation taxes to be levied and assessed on the taxable property in such village
13 for the current year. Before levying any tax for any specified purpose, exceeding one
14 percent of the assessed valuation aforesaid, the village board shall, and in all other
15 cases may in its discretion, submit the question of levying the same to the village
16 electors at any general or special election by giving 10 days' notice thereof prior to
17 such election by publication in a newspaper published in the village, if any, and if
18 there is none, then by posting notices in 3 public places in said village, setting forth
19 in such notices the object and purposes for which such taxes are to be raised and the
20 amount of the proposed tax. The village board shall file the question as provided in
21 s. 8.37.”.

22 **15.** Page 128, line 21: delete the material beginning with that line and ending
23 with page 129, line 2.

1 **16.** Page 129, line 11: delete the material beginning with that line and ending
2 with page 130, line 3, and substitute:

3 “**SECTION 267m.** 64.39 (3) of the statutes is amended to read:

4 64.39 (3) Upon filing such petition, the mayor shall, by proclamation, submit
5 the questions prescribed in sub. (1) at a special election to be held at a time specified
6 ~~therein and within 2 months~~ not sooner than 45 days after such petition is filed. The
7 election upon such question shall be conducted, the vote canvassed, and the result
8 declared in the same manner as provided by law for other city elections.”.

9 **17.** Page 135, line 3: delete the material beginning with that line and ending
10 with page 138, line 17, and substitute:

11 “**SECTION 275m.** 66.059 (2m) (b) of the statutes is amended to read:

12 66.059 (2m) (b) If a referendum is to be held on a resolution, the municipal
13 governing body shall file the resolution as provided in s. 8.37 and shall direct the
14 municipal clerk to call a special election for the purpose of submitting the resolution
15 to the electors for a referendum on approval or rejection. In lieu of a special election,
16 the municipal governing body may specify that the election be held at the next
17 succeeding spring primary or election or September primary or general election.

18 **SECTION 276m.** 66.061 (1) (c) of the statutes is amended to read:

19 66.061 (1) (c) No such ordinance shall be operative until 60 days after passage
20 and publication unless sooner approved by a referendum. Within that time electors
21 equal in number to ~~20 per cent~~ 20% of those voting at the last regular municipal
22 election, may demand a referendum. The demand shall be in writing and filed with
23 the clerk and as provided in s. 8.37. Each signer shall state his or her occupation and
24 residence and signatures shall be verified by the affidavit of an elector. The

1 referendum shall be held at the next regular municipal election, or at a special
2 election within 90 days of the filing of the demand, and the ordinance shall not be
3 effective unless approved by a majority of the votes cast thereon. This paragraph
4 shall not apply to extensions by a utility previously franchised by the village or city.

5 **SECTION 277m.** 66.075 (5) of the statutes is amended to read:

6 66.075 (5) The provisions of this section shall apply only to such counties, cities,
7 villages and towns as shall have adopted the same at any general or municipal
8 election at which the question of the establishment of such county or municipal
9 slaughterhouse shall have been submitted to the voters of such county, city, village
10 or town. Such question shall, upon the filing of a petition conforming to the
11 requirements of s. 8.40 by electors of such county, city, village or town equal in
12 number to at least 10% of all the votes cast in such county, city, village or town for
13 governor at the last preceding general election, be submitted to the electors of such
14 county, city, village or town at the next ensuing election, ~~and if.~~ The petition shall
15 be filed as provided in s. 8.37. If a majority of votes cast shall be in favor of the
16 establishment of such slaughterhouse, the provisions of this section shall apply to
17 such county, city, village or town.

18 **SECTION 278m.** 66.521 (10) (d) of the statutes is amended to read:

19 66.521 (10) (d) The governing body may issue bonds under this section without
20 submitting the proposition to the electors of the municipality for approval unless
21 within 30 days from the date of publication of notice of adoption of the initial
22 resolution for such bonds, a petition conforming to the requirements of s. 8.40, signed
23 by not less than 5% of the registered electors of the municipality, or, if there is no
24 registration of electors in the municipality, by 10% of the number of electors of the
25 municipality voting for the office of governor at the last general election as

1 determined under s. 115.01 (13), is filed with the clerk of the municipality and as
2 provided in s. 8.37 requesting a referendum upon the question of the issuance of the
3 bonds. If such a petition is filed, the bonds shall not be issued until approved by a
4 majority of the electors of the municipality voting thereon at a general or special
5 election.

6 **SECTION 280m.** 66.77 (3) (a) 1. of the statutes is amended to read:

7 66.77 (3) (a) 1. If the governing body of a county wishes to exceed the operating
8 levy rate limit otherwise applicable to the county under this section, it shall adopt
9 a resolution to that effect. The resolution shall specify either the operating levy rate
10 or the operating levy that the governing body wishes to impose for either a specified
11 number of years or an indefinite period. The governing body shall call a special
12 referendum for the purpose of submitting the resolution to the electors of the county
13 for approval or rejection. In lieu of a special referendum, the governing body may
14 specify that the referendum be held at the next succeeding spring primary or election
15 or September primary or general election to be held not earlier than 30 42 days after
16 the adoption of the resolution of the governing body. The governing body shall file
17 the resolution to be submitted to the electors as provided in s. 8.37.

18 **SECTION 281m.** 66.94 (4) of the statutes is amended to read:

19 66.94 (4) MANNER OF ADOPTION. This section may be adopted by any city, village
20 or town within the metropolitan district in the following manner: The governing body
21 of any municipality, by ordinance passed at least 30 42 days prior to submission of
22 the question, may direct that the question of the adoption of this section be submitted
23 to the electors therein at any general, special, judicial or local election. The question
24 shall be filed as provided in s. 8.37. The clerk of such municipality or the election
25 commission of any city of the first class shall thereupon submit the question to

1 popular vote. Public notice of the election shall be given in the same manner as in
2 case of a regular municipal election except that such notice shall be published or
3 posted at least 20 days prior to the election. If a majority of those voting on the
4 question vote in the affirmative thereon, this section shall be adopted in such
5 municipality. The proposition on the ballot to be used at such election shall be in
6 substantially the following form:

7 Shall section 66.94 of the Wisconsin statutes which creates a metropolitan
8 transit authority for ownership and operation of a public mass transportation system
9 in the metropolitan district be adopted?

10 YES NO .

11 **18.** Page 138, line 21: delete the material beginning with that line and ending
12 on page 143, line 13.

13 **19.** Page 145, line 9: delete “~~a general or special town~~ an election authorized
14 under s. 8.065” and substitute “a general or special town election”.

15 **20.** Page 145, line 16: delete the material beginning with that line and ending
16 with page 146, line 17, and substitute:

17 “**SECTION 293m.** 86.21 (2) (a) of the statutes is amended to read:

18 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this
19 section, a resolution authorizing the construction or acquisition thereof, and
20 specifying the method of payment therefor, shall be adopted by a majority of the
21 members of the governing body of such county, town, village or city at a regular
22 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
23 resolution shall include a general description of the property it is proposed to acquire
24 or construct. Any county, town, village or city constructing or acquiring a toll bridge

1 under this section may provide for the payment of the same or any part thereof from
2 the general fund, from taxation, or from the proceeds of either municipal bonds,
3 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
4 until 15 days after its passage and publication. If within said 15 days a petition
5 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality,
6 and filed as provided in s. 8.37, signed by at least 20% of the electors thereof
7 requesting that the question of acquiring such toll bridge be submitted to the said
8 electors, such question shall be submitted at any general or regular municipal
9 election that ~~may be~~ is held not less sooner than ~~10 nor more than 40~~ 42 days from
10 the date of filing such petition. In case no such general or regular municipal election
11 is to be held within such stated period, then the governing body of such municipality
12 shall order a special election to be held within 30 days from the filing of such petition
13 upon the question of whether such toll bridge shall be acquired by said municipality.
14 The question submitted to the electors shall specify the method of payment for such
15 toll bridge as provided in the resolution for the acquisition thereof. If no such petition
16 is filed, or if the majority of votes cast at such referendum election are in favor of the
17 acquisition of such toll bridge, then the resolution of the governing body for the
18 acquisition of such toll bridge shall be in effect.”.

19 **21.** Page 147, line 3: delete the material beginning with that line and ending
20 with page 149, line 6, and substitute:

21 “**SECTION 297m.** 119.48 (4) (c) of the statutes is amended to read:

22 119.48 (4) (c) Upon receipt of the communication, the common council shall file
23 the communication as provided in s. 8.37 and shall cause the question of exceeding
24 the levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city

1 at the September election or at a special election. The question of exceeding the levy
2 rate specified under s. 65.07 (1) (f) shall be submitted upon a separate ballot or in
3 some other manner so that the vote upon exceeding the levy rate specified in s. 65.07
4 (1) (f) is taken separately from any other question submitted to the voters. If a
5 majority of the electors voting on the question favors exceeding the levy rate specified
6 under s. 65.07 (1) (f), the common council shall approve the increase in the levy rate
7 and shall levy and collect a tax equal to the amount of money approved by the
8 electors.

9 **SECTION 298m.** 119.49 (2) of the statutes is amended to read:

10 119.49 (2) Upon receipt of the communication, the common council shall file the
11 communication as provided in s. 8.37 and shall cause the question of issuing such
12 school bonds in the stated amount and for the stated school purposes to be submitted
13 to the voters of the city at the next election held in the city. The question of issuing
14 such school bonds shall be submitted upon a separate ballot or in some other manner
15 so that the vote upon issuing such school bonds is taken separately from any other
16 question submitted to the voters. If a majority of the electors voting on the school
17 bond question favors issuing such school bonds, the common council shall cause the
18 school bonds to be issued immediately or within the period permitted by law, in the
19 amount requested by the board and in the manner other bonds are issued.”.

20 **22.** Page 151, line 22: delete the material beginning with that line and ending
21 with page 152, line 12, and substitute:

22 “**SECTION 303m.** 121.91 (3) (a) of the statutes is amended to read:

23 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (1), (2) or
24 (2m) otherwise applicable to the school district in any school year, it shall promptly

1 adopt a resolution supporting inclusion in the final school district budget of an
2 amount equal to the proposed excess revenue. The resolution shall specify whether
3 the proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
4 proposed excess revenue is for both recurring and nonrecurring purposes, the
5 amount of the proposed excess revenue for each purpose. The resolution shall be filed
6 as provided in s. 8.37. The school board shall call a special referendum for the
7 purpose of submitting the resolution to the electors of the school district for approval
8 or rejection. In lieu of a special referendum, the school board may specify that the
9 referendum be held at the next succeeding spring primary or election or September
10 primary or general election, if such election is to be held not earlier sooner than 35
11 42 days after the ~~adoption~~ filing of the resolution of the school board.”.

12 **23.** Page 152, line 16: delete the material beginning with that line and ending
13 with page 155, line 4, and substitute:

14 “**SECTION 305m.** 197.04 (1) of the statutes is amended to read:

15 197.04 (1) Any municipality having determined to acquire an existing plant or
16 any part of the equipment of a public utility may discontinue all proceedings to that
17 end at any time within 90 days after the final determination of compensation by the
18 commission, by a vote of the electors as herein provided, or by a resolution to that
19 effect by its municipal council, provided that such resolution shall not be of force and
20 effect until 90 days after its passage and publication. If within either of said 90-day
21 periods a petition conforming to the requirements of s. 8.40 shall be filed with the
22 clerk of such municipality as provided in s. 8.37, in a city of the first class signed by
23 5% and in all other municipalities by 10% of the electors thereof, requesting that the
24 question of discontinuing said proceeding to acquire such plant or equipment be

1 submitted to the electors, such question shall be submitted to the said electors at any
2 general or regular municipal election that ~~may be~~ is held not less than 30, ~~and not~~
3 ~~more than 35,~~ 42 days from the date of the filing of the petition; and if no general
4 election or regular municipal election is to be held within the stated periods, then the
5 governing body of the municipality shall order the holding of a special election for the
6 purpose of submitting to the electors in case the petition is filed before the adoption
7 of such resolution the question whether said proceedings shall be discontinued, and
8 in case the petition is filed after the adoption of said resolution the question whether
9 the aforesaid resolution shall remain in effect and its adoption be ratified, and such
10 resolution shall not have force or effect unless a majority of the electors voting on
11 such question shall be in favor thereof.

12 **SECTION 306m.** 197.10 (2) of the statutes is amended to read:

13 197.10 (2) Such contract when adopted by the common council of said city and
14 accepted by the owner or owners of such public utility shall be submitted to the public
15 service commission for its approval and upon such approval the same shall be filed
16 as provided in s. 8.37 and submitted in such manner as the common council shall
17 determine to a vote of the electors of such city at the next regular municipal election
18 or at a special election called for that purpose, and such contract shall not become
19 binding upon such city until approved by a majority vote of the qualified electors of
20 such city voting thereon. No bonds shall in any case be issued by said city under the
21 contract or contracts mentioned in sub. (1), until the proposition of their issue shall
22 have been submitted to the people of such city and adopted by a majority of the
23 electors voting thereon.”.

